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A recent Orange County Register editorial discussed the possibility and the need for "reforming" the California "Three Strikes and You Are Out" law. As a member of the law enforcement community for 32 years -- a prosecutor, a judge, and now the District Attorney of Orange County -- I believe that the "Three Strikes" law is the most effective tool to identify and put away violent career criminals from where we live, work and worship.

A just application of the "Three Strikes" law is an important priority for me. When I ran for District Attorney in 1998, I ran in part because I saw as a judge a few injustices in the way that "Three Strikes" was being applied. Instead of prosecutors actively participating and advocating the People's position and carrying out justice, prosecutors were forced to remain silent with their hands tied due to the policies of the prior administration not allowing prosecutors to have discretion in negotiating cases.

After I took over as District Attorney in 1999, I directed my prosecutors to handle each case individually to make sure that justice is done in every case. When deciding whether to prosecute a "Three Strikes" offense we look at the background of the criminal, the nature of the crime, and the threat they pose to the community. After a case is filed, a judge has the discretion to review the charges and to strike the "Strikes" if he/she feels the application is unjust. If we amended "Three Strikes," we would be taking that discretion out of the hands of prosecutors and judges. When recidivist criminals are caught violating the law, we should do everything we can to prevent them from continuing to prey on our honest law abiding citizens.

As we prepare for the 10th anniversary of the "Three Strikes" law, it is a good idea to look at what has been accomplished. After five years, the California Secretary of State's Office found that the economic savings to Californians from the reduction in crime during the "Three Strikes" era was between \$8.2 and \$21.7 billion. The Federal Bureau of Investigation crime index for the period (1993-1998) reported that crime in California was down 32.7 percent and homicides were down 49.8 percent. Meanwhile, the national crime index was down just 13 percent. In Orange County alone, we have removed almost 400 dangerous "Three Strikers" from the streets. This should not be taken as a signal to soften up on prosecutions of dangerous criminals. We need to keep up the pressure.

Although we acknowledge the horrific loss that Polly's grandfather Joe Klaas feels, it should be noted that his position as stated in the *OCRegister* editorial is not a recent change of heart. Joe Klaas signed the original ballot argument *against* "Three Strikes" when it went to California voters in 1994. To say Joe Klaas "now regrets that the law passed" is misleading.

Mike Reynolds, the father of murdered Kimber Reynolds, and a "Three Strikes" advocate reports on his

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website (www.threestrikes.org): "A few of the people that did not initially support "Three Strikes" now do. Among them being California prosecutors, California attorney general Bill Lockyer, (former) California governor Gray Davis, and Polly Klaas's dad Mark Klaas."

Finally, I don't think we can put a cost on saving another victim like Polly Klaas or Kimber Reynolds from being brutally murdered. We prosecute "Three Strikes" cases in Orange County judiciously to maintain the proper context of the law. Orange County cannot afford to wait for a violent felon with multiple convictions to commit a more serious crime before we put them away for good. "Three Strikes and You Are Out" works for the people of Orange County and the State of California.

Tony Rackauckas
District Attorney